

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 05 February 2004

Case No. 2003-WPC-3

In the Matter of:
JAMES JACOBS,
Complainant,

v.

CITY OF SALEM,
Respondent.

Appearances:
Michael D. Kohn, Esq.
Richard R. Renner, Esq.
On behalf of Complainant

Robert J. Krehbiel, Esq.
On behalf of Respondent

Before: Thomas F. Phalen, Jr.
Administrative Law Judge

**RECOMMENDED DECISION AND ORDER APPROVING SETTLEMENT
AGREEMENT, ORDER DISMISSING COMPLAINT WITH PREJUDICE**

This matter arises under the employee protection provision of the Federal Water Pollution Act ("WPC"), codified at 33 U.S.C. § 1367 and the implementing regulations thereunder at 29 C.F.R. Part 24, which protect covered employees from being discharged or otherwise discriminated against with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee engaged in any form of protected activity.

Through an order dated July 24, 2003, a formal hearing was scheduled for December 2-12, 2003. However, the parties notified the undersigned on November 28, 2003 that they had reached a settlement agreement and they requested that the hearing be cancelled. On February 4, 2004, the parties submitted a joint motion for approval of settlement agreement and dismissal with prejudice. A copy of the settlement agreement was attached to the joint motion. The parties requested approval of the settlement agreement and dismissal of the complaint with prejudice. Regarding the terms of the settlement agreement, the parties hereto understand and agree with the Settlement Agreement, having carefully read this Agreement, and acknowledge that he or it is freely and voluntarily signing this Settlement Agreement and intends to be fully bound hereby.

Having reviewed the settlement agreement, I find that it is a fair, adequate, and reasonable settlement of the complaint in this matter. Therefore,

ORDER

IT IS RECOMMENDED that:

- (1) the settlement agreement be, and hereby is APPROVED;
- (2) the complaint of James Jacobs be, and hereby is DISMISSED WITH PREJUDICE.

A

THOMAS F. PHALEN, JR.
ADMINISTRATIVE LAW JUDGE

NOTICE: This Recommended Decision and Order will automatically become the final order of the Secretary unless, pursuant to 29 C.F.R. § 24.8, a petition for review is timely filed with the Administrative Review Board, United States Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Avenue, NW, Washington, DC 20210. Such a petition for review must be received by the Administrative Review Board within ten business days of the date of this Recommended Decision and Order, and shall be served on all parties and on the Chief Administrative Law Judge. *See* 29 C.F.R. §§ 24.7(d) and 24.8.